

# COLELLA | ZEFUTIE LLC

www.czlaw.com

**MEMO ENDORSED**

John J. Zefutie, Jr.  
Office Managing Partner  
116 Village Boulevard, Suite 200  
Princeton, New Jersey 08540  
P: 609.551.9771  
F: 202.920.0894  
E: jzefutie@czlaw.com

*Via ECF*

October 14, 2024

Hon. Katharine H. Parker  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl Street  
New York, NY 10007-1312

**Re: Lujan v. Sensio, Inc.**  
**Docket No. 1:24-cv-03479**

Dear Judge Parker:

We are counsel to Defendants Sensio, Inc. and Senio Company (US), Inc. (collectively, “Sensio”) in the above-referenced matter. Pursuant to Rule I.c of Your Honor’s Individual Practices in Civil Cases, we write to the Court to request an adjournment of the settlement conference that is currently scheduled for November 14, 2024. See D.E. 28. As the Court is aware, we entered our appearance in this case on September 12, 2024 (D.E. 29), and the Court recently entered a Stipulation and Substitution of Counsel on October 8, 2024 (D.E. 34).

There is good cause for an adjournment of the conference. *First*, the case is not positioned for settlement. We recently received the medical records from Plaintiff’s counsel; there has been no third-party discovery; no expert inspection of the product at issue in this case; and no depositions. Nor has there been a live IME of the Plaintiff. We understand that prior counsel was planning to conduct a deposition of the Plaintiff, but, for reasons unknown to us, that deposition was not taken. In addition, as we understand it, there was a dispute between prior counsel and Plaintiff’s counsel regarding inspection of the product at issue, but that dispute was never resolved to our understanding. As such, it is impossible for Sensio to properly value the case. *Second*, discovery in this case ends on March 27, 2025, and Sensio needs the opportunity to complete the above-referenced discovery so that (a) Sensio can properly value the case and (b) the parties can at the appropriate time engage in meaningful settlement discussions with the Court’s assistance, if necessary. *Third*, we learned late last week that Sensio was unaware that an in-person settlement conference was set for November 14, and Sensio’s corporate representative who would have decision-making authority is unavailable to travel to New York on November 14 due to a Canadian holiday.

This is the first request for an adjournment by undersigned counsel. We have conferred with counsel for Plaintiff, who has advised they do not consent to this adjournment request because they contend the settlement conference was scheduled by the Court after a lengthy hearing.

We thank the Court for its time and attention to this matter.

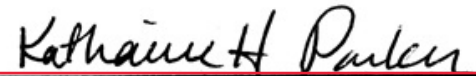
Respectfully submitted,  
COLELLA ZEFUTIE LLC

By: s/ John J. Zefutie, Jr.  
John J. Zefutie, Jr.  
Ugo Colella (*pro hac vice forthcoming*)  
Attorneys for Defendant  
Sensio, Inc.

cc: All Counsel of Record (via ECF)

**APPLICATION GRANTED:** The settlement conference in this matter scheduled for Thursday, November 14, 2024 at 10:00 a.m. in Courtroom 17-D, United States Courthouse, 500 Pearl Street, New York, New York is hereby rescheduled to **Monday, January 27, 2025 at 10:00 a.m.** Parties must attend in-person with their counsel. Corporate parties must send the person with decision making authority to settle the matter to the conference. The parties are instructed to complete the Settlement Conference Summary Report and prepare pre-conference submissions in accordance with Judge Parker's Individual Rules of Practice. Pre-conference submissions must be received by the Court no later than **January 21, 2025 by 5:00 p.m**

**APPLICATION GRANTED**



**Hon. Katharine H. Parker, U.S.M.J.**

**10/15/2024**